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Supreme Court of Ohio.

ALLEN et al., Appellants and Cross-Appellees,

v.

JOHNSON et al., Appellees; Indiana Insurance Company et al., Appellees and
Cross-Appellants.

Nos. 2002-1126, 2002-1433.

Submitted May 13, 2003.

Decided Nov. 5, 2003.

Grisi & Riegler and Charles E. Grisi, for appellants and cross-appellees.
Weston, Hurd, Fallon, Paisley & Howley, L.L.P., Daniel A. Richards, [John G. Farnan](#) and
[Edward T. Sylvester](#), for appellees and cross-appellants Indiana Insurance Co. and
Consolidated Insurance Co.

Gallagher, Sharp, Fulton & Norman, D. John Travis and Timothy J. Fitzgerald, for
appellee and cross-appellant Federal Insurance Co.

Janik & Dorman L.L.P., [Steven G. Janik](#) and [Matthew J. Grimm](#), for appellee National
Union Fire Insurance Co.

T.J. Snyder; Allen Schulman & Associates Co., L.P.A., [Allen Schulman](#) and [Christopher
Van Blargan](#), for amicus curiae, Ohio Academy of Trial Lawyers.

*1 {¶ 1} The judgment of the court of appeals is affirmed as to National Union
Insurance Company and Federal Insurance Company on the authority of [Westfield Ins.
Co. v. Galatis, 100 Ohio St.3d ----, 2003-Ohio-5849, --- N.E.2d ----](#).

{¶ 2} The judgment of the court of appeals is reversed and the judgment of the trial
court in favor of Consolidated Insurance Company and Indiana Insurance Company is
reinstated on the authority of *Westfield Ins. Co.* supra.

{¶ 3} Appellants' Proposition of Law No. 3 is dismissed as improvidently allowed.

[MOYER](#), C.J., [SUNDERMANN](#), [LUNDBERG STRATTON](#) and O'CONNOR, JJ., concur.

[RESNICK](#), [FRANCIS E. SWEENEY, SR.](#) and [PFEIFER](#), JJ., dissent.

J. HOWARD SUNDERMANN JR., J., of the First Appellate District, sitting for COOK, J.
Ohio, 2003.

Allen v. Johnson

2003 WL 22519124, 2003 WL 22519124 (Ohio)

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